



# OFFICE OF THE CITY CLERK    CITY OF BINGHAMTON

*Teri Rennia, City Council President*

*Jeremy Pelletier, City Clerk*

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## BOARD OF ESTIMATE AND APPORTIONMENT

### MEETING MINUTES

**DPW Conference Room, 3<sup>rd</sup> Floor City Hall**

**Wednesday September 24, 2014**

**Call to Order.** Called to order at 11:25am by Richard C. David, Mayor.

**Board Members Present:** Richard C. David, Mayor ; Chuck Shager, Comptroller; Gary Holmes, Commissioner of Public Works; Kenneth J. Frank, Corporation Counsel

**Board Members Absent:** None

**Also Present:** Jeremy Pelletier, City Clerk; Jared Kraham, Executive Assistant to the Mayor

### ITEMS CONSIDERED

**Permanent Easement for Portion of 70-72 Court Street.** Request to enter into an agreement for a permanent easement for a portion of 72 Court Street, submitted by 33 State Street Associates. Alan Pope, Andrew Urso and Larry Pasquale attended the meeting held January 15, 2014 to discuss the proposal. The Board reviewed this matter, and concluded that any agreement should be limited to the space required for a stairway, but should not include space for a patio. The Board of Contract and Supply approved a Request for Sealed Bids for 70-72 Court Street at a meeting held on February 12, 2014. Such Request for Sealed Bids includes a restriction stating that the sale would be subject to a permanent easement for pedestrian ingress and egress from a basement stairwell at 92 State Street, but that construction above the stairwell would be permitted. Kenneth J. Frank to discuss the details of the permanent easement with Mr. Pope. Item held.

**8 Meadow Street.** Offer to purchase 8 Meadow Street for \$100, submitted by Tonya Dakari on December 23, 2013. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement and the Department of Planning, Housing & Community Development on January 2, 2014. Steve Quinn responded on January 3, 2014, stating that this property is one of several properties that the First Ward Action Council is scheduled to purchase and develop under the City's Restore NY grant application and NYS Tax Credit application. Scott Snyder responded on January 3, 2014, confirming that the property is listed as a Restore NY property. Mayor David met with Jerry Willard from First Ward Action Council, who indicated that they are still slated to receive funding for the development of the property. First Ward Action Council should know the outcome within the next few months. Item held pending confirmation of funding for First Ward Action Council. Jeremy Pelletier will invite Jerry Willard to the Board of Estimate & Apportionment meeting on September 17<sup>th</sup>. Ken Frank will develop a contract with FWAC, which will require them to maintain the property up to vacant property standards and include the price of the City demolishing the back porch into the sale price of the property. The City and FWAC signed a contract of sale and FWAC will perform necessary work to ensure that the property meets vacant property standards.

**19 Emma Street.** Request to donate 19 Emma Street to the City of Binghamton. Submitted by Staiman Industries, Inc. on May 7, 2014. Sent to the Assessor's Office, the Office of Building Construction, Zoning & Code Enforcement and the Department of Planning, Housing & Community Development on May 7, 2014. Scott Snyder responded on May 21, 2014, stating that he is not in favor of accepting the donation, noting that the City recently auctioned off surplus properties in the City's inventory. Tom Costello responded on May 23, 2014, agreeing with the Assessor's comments. Jennie Skeadas-Sherry responded on May 30, 2014, noting that it is an industrial site, formerly used by a recycling



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company. She stated that Planning is not in favor of accepting the donation at this time. Ms. Skeadas-Sherry requested a Phase I Environmental Assessment, with the intent to revisit the request to donate the property upon receipt of the results, as Economic Development has expressed interest in the site. E&A referred the matter to Economic Development on June 6, 2014. Ms. Skeadas-Sherry responded on July 2, 2014, stating that the property is within the Endicott-Johnson Industrial Spine BOA, which is a Broome County project. A review of New York State databases shows that there are no recorded spills on the property, but there is a history of keeping storage tanks on site. No environmental information is available. Bob Murphy provided an update on 19 Emma Street. Went to site and reviewed the property. In good condition, Waste Management was previous tenant and had a Phase II environmental study done in 1994 and the property passed. Bob Murphy will contact the Staiman Industries Inc. to see if they will agree to conduct an environmental study.

**336 Court Street.** Offer to purchase a strip of land in front of 336 Court Street in order to erect a sign. Submitted by ScottTech. Mr. Murphy noted that the property is located in New York State Department of Transportation's right-of-way. Mr. Holmes and Mr. Murphy will review this matter to obtain additional clarification. Gary Holmes will assist ScottTech with the process of erecting a sign. ScottTech informed Bob Murphy that they have decided to install the sign on the building instead of purchasing the strip of land in front of 336 Court Street.

**Item will be removed from the agenda.**

**Approval of Minutes.** Motion to approve the minutes from the Board of Estimate and Apportionment meeting held on September 17, 2014.

Moved by Frank, seconded by Shager.

**Motion carried. (Vote 4-0)**

Ayes: Shager, Holmes, Frank, David

Nays: None

Absent: None

**Budget Transfer.** Request to transfer \$15,000 from budget line A42660 (Sales of Real Property) to budget line A7620.52200 (Furniture), \$19,900 from budget line A42660 (Sales of Real Property) to budget line A7620.54610 (Bldg./Equip. Repair/Maint.), \$5,500 from budget line A42660 (Sales of Real Property) to budget line A7620.54410 (Professional Services). Submitted by Bill Barber, Director of Parks and Recreation.

Motion to approve budget transfer.

Moved by Shager, seconded by Frank.

**Motion carried. (Vote 4-0-0)**

Ayes: Shager, Frank, David, Holmes

Nays: None

Absent: None

**Budget Transfer.** Request to transfer \$1,100.00 from budget line A1490.54701 (Travel & Training) to budget line A1490.54702 (Subs – Dues & Memberships). Submitted by Gary Holmes, Commission of Public Works.

*Note: Exceeds cumulative amount of \$2,500. Requires approval by Board of E&A and Chair of the City Council Finance Committee.*

Motion to approve budget transfer.

Moved by Frank, seconded by Shager.

**Motion carried. (Vote 4-0-0)**

Ayes: Shager, Frank, David, Holmes



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Nays: None

Absent: None

**Executive Session.** Motion to enter into Executive Session at 11:43am to discuss litigation.

Moved by Shager, seconded by Frank.

**Voice vote, none opposed.**

**Reconvene.** Called to order at 11:47am by Richard C. David, Mayor.

**Present:** Richard C. David, Mayor; Kenneth J. Frank, Corporation Counsel; Gary Holmes, Commissioner of Public Works

**Absent:** None

**Also Present:** Jeremy Pelletier, City Clerk; Jared Kraham, Executive Assistant to the Mayor

**Settlement.** Motion to authorize Corporation Counsel to settle litigation as discussed in Executive Session.

Moved by Frank, seconded by Shager.

**Motion carried. (Vote 4-0)**

Ayes: David, Frank, Shager, Holmes

Nays: None

Absent: None

**Adjournment.** Motion to adjourn at 11:49am.

Moved by Shager, seconded by Holmes.

**Voice vote, none opposed.**